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August 13, 2007

VIA ECF
Honorable Kevin N. Fox
Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 540
New York, New York 10007

Re: Nunez v. Manhattan Parking System, Inc. et. al.
07 Civ. 4629

Dear Judge Fox:

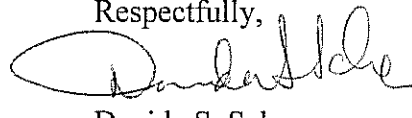
We represent defendants Midtown Parking Corp. and Manhattan Parking Group, LLC in the above captioned case. We write to clarify certain statements made by counsel for plaintiff.

When ordered by Judge Koetl to present a settlement proposal to defendants at a preliminary conference on July 30, 2007, plaintiff then presented a settlement proposal which was, in effect, a recovery of the entire amount which plaintiff could recover if ultimately successful in this action. Without a more realistic settlement proposal, we agree with plaintiff's counsel that a settlement conference before Your Honor at this time would not be useful.

Defendants have made a motion to dismiss the claims under the New York Labor Law in light of a collective bargaining agreement covering plaintiff, claims against a party which did not employ plaintiff and claims for willful failure to abide by the Fair Labor Standards Act.

At the preliminary conference, Judge Koetl directed that the parties not confer regarding discovery schedules pursuant to Fed. Rule of Civ. Pro. 26 until there was a ruling on the motion to dismiss. It is, therefore, premature to hold a scheduling conference on discovery before Your Honor until the motion to dismiss is decided.

Respectfully,



Davida S. Scher

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